

Our Docket No. 20030086.CON

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Harmston

S.N. : 10/046,682

Art Unit 3634

Filed : 01/16/2002

Examiner Chin Shue

For : Ladder Step and Platform

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

## DECLARATION UNDER 37 C.F.R. § 1.8(b)

Steven E. Kahm does declare as follows:

1. That I recently became aware that the patent office abandoned the above cited application for failure to respond to an office action on February 9, 2004 and that the Patent Office mailed an office action on May 30, 2003, which was not responded to.

2. That no office action and no notice of abandonment was ever received by me from the patent office.

3. That on February 18, 2003 I mailed the enclosed Substitute Power of Attorney, Change of Correspondence Address, and a post card to the patent office by first class mail as evidenced by the enclosed copy of a certificate of mailing and a stamped return receipt post card indicating that the correspondence was received by the patent office on February 24, 2003. The above papers were timely filed along with an amendment and a one month extension of time petition and fee.


4. That a true copy of such Substitute Power of Attorney, Change of Correspondence Address, certificate of mailing amendment and extension of time petition is attached hereto along with a copy of a return post card for acknowledging receipt by the Patent and Trademark Office.

5. That since the Patent and Trademark Office mailed the correspondence to the wrong address the applicant had no chance to respond to the Office Action, which should now be sent to the correct address.

6. That all statements made herein are of my own knowledge and are true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

August 12, 2004

Respectfully submitted,

  
Steven E. Kahm